



Medical Fee Dispute Resolution Findings and Decision

General Information

Requestor Name

John P. Hodges, Jr., D.C.

Respondent Name

American Zurich Insurance Co.

MFDR Tracking Number

M4-23-2346-01

Carrier's Austin Representative

Box Number 19

DWC Date Received

May 18, 2023

Summary of Findings

Dates of Service	Disputed Services	Amount in Dispute	Amount Due
April 14, 2023	Designated Doctor Examination 99456-W5-WP	\$300.00	\$300.00

Requestor's Position

"I was underpaid \$300.00. Reference: Texas Administrative Code 28 TAC §134.250 ... A Designated Doctor is directed to bill for an examination using CPT code 99456 which provides for a payment of \$350.00. This payment is for the exam whether or not the examinee has reached maximum medical improvement (MMI) or not.

If MMI has been reached, the Designated Doctor provides an impairment rating, which is a separate fee from the examination charge ... For examinations requiring a range of motion impairment rating, the Designated Doctor shall bill \$300.00 for the first musculoskeletal body area and the \$150.00 for each additional area. In this case, the carrier was billed for a right knee impairment rating utilizing the range of motion method along with a Table 64 impairment rating resulting in a charge for \$300.00 ...

Therefore, payment should be \$500.00 for the return to work assessment + \$350.00 for the examination + \$300.00 for one unit of a right knee impairment utilizing the range of motion method for a total of \$1150.00, not the \$850.00 I received."

Amount in Dispute: \$1,650.00

Respondent's Position

The Austin carrier representative for Texas Council of Risk Management is Flahive, Ogden & Latson. The representative was notified of this medical fee dispute on May 23, 2023.

Per 28 Texas Administrative Code §133.307 (d)(1), if the DWC does not receive the response within 14 calendar days of the dispute notification, then the DWC may base its decision on the available information.

As of today, no response has been received from the insurance carrier or its representative. We will base this decision on the information available.

Findings and Decision

Authority

This medical fee dispute is decided according to [Texas Labor Code \(TLC\) §413.031](#) and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation (DWC).

Statutes and Rules

1. [28 Texas Administrative Code \(TAC\) §133.307](#) sets out the procedures for resolving medical fee disputes.
2. [28 TAC §134.250](#) sets out the fee guidelines for examinations to determine maximum medical improvement and impairment rating.

Denial Reasons

The insurance carrier reduced the payment for the disputed services with the following claim adjustment codes:

- BT100 - Unless otherwise specified, services have been reviewed to the State Fee Schedule.
- TXP12 – Workers' compensation jurisdictional fee schedule adjustment.
- BT975 – No additional allowance is recommended
- TX193 – Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly.

Issues

1. Is John P. Hodges, Jr., D.C. entitled to additional reimbursement?

Findings

1. Dr. Hodges is seeking additional reimbursement for a designated doctor examination to determine maximum medical improvement and impairment rating.

The submitted documentation supports that Dr. Hodges performed an evaluation of maximum medical improvement as ordered by DWC. 28 TAC §134.250(3)(C) states that the maximum allowable reimbursement (MAR) for this examination is \$350.00.

Review of the submitted documentation finds that Dr. Hodges performed impairment rating evaluations of the right knee with range of motion testing. The rule at 28 TAC §134.250(4)(C)(ii) defines the fees for the calculation of an impairment rating for musculoskeletal body areas. The MAR for the evaluation of the first musculoskeletal body area performed with range of motion is \$300.00.

The total allowable reimbursement for the services in question is \$650.00. The insurance carrier paid \$350.00. An additional reimbursement of \$300.00 is recommended.

Conclusion

The outcome of this medical fee dispute is based on the evidence presented by the requestor and the respondent at the time of adjudication. Though all evidence may not have been discussed, it was considered.

DWC finds the requestor has established that additional reimbursement of \$300.00 is due.

Order

Under Texas Labor Code §§413.031 and 413.019, DWC has determined the requestor is entitled to additional reimbursement for the disputed services. It is ordered that American Zurich Insurance Co. must remit to John P. Hodges, Jr., D.C. \$300.00 plus applicable accrued interest within 30 days of receiving this order in accordance with 28 TAC §134.130.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

July 7, 2023

Date

Your Right to Appeal

Either party to this medical fee dispute has a right to seek review of this decision under 28 TAC §133.307, which applies to disputes filed on or after **June 1, 2012**.

A party seeking review must submit DWC Form-045M, *Request to Schedule, Reschedule, or Cancel a Benefit Review Conference to Appeal a Medical Fee Dispute Decision (BRC-MFD)* and follow the instructions on the form. You can find the form at www.tdi.texas.gov/forms/form20numeric.html. DWC must receive the request within **20 days** of when you receive this decision. You may fax, mail, or personally deliver your request to DWC using the contact information on the form or the field office handling the claim. If you have questions about DWC Form-045M, please call CompConnection at 1-800-252-7031, option three or email CompConnection@tdi.texas.gov.

The party seeking review of the MFDR decision must deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with DWC. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** with any other required information listed in [28 TAC §141.1 \(d\)](#).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 1-800-252-7031, opción tres o correo electrónico CompConnection@tdi.texas.gov.